

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 23-CR-00273-01-DGK
)	
SEAN WALTER TONKIN,)	
)	
Defendant.)	

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

On May 28, 2024, Defendant’s counsel filed a motion pursuant to 18 U.S.C. § 4241 for an evaluation of Defendant’s mental competency to stand trial. ECF No. 19. The Honorable Magistrate Judge W. Brian Gaddy granted the motion and ordered that a psychological or psychiatric examination of Defendant be conducted and that a psychological or psychiatric report be filed with the Court. ECF No. 20.

A competency hearing was held before Judge Gaddy on September 23, 2024. ECF No. 24. At the hearing, the parties stipulated that the Court could consider the forensic report from Dr. Robin Watkins, Ph.D., ADPP, Board Certified Forensic Psychologist, which concluded that Defendant is not competent to proceed at this time.

On September 23, 2024, Judge Gaddy entered a Report and Recommendation that Defendant is currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense. ECF No. 26. Neither party filed an objection to the Report and Recommendation.

After an independent, de novo review of the record and applicable law, the Court ADOPTS the Report and Recommendation of Judge Gaddy in its entirety, and the Court finds that Defendant

is not competent to stand trial at this time.

It is further ORDERED that Defendant is committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d) for hospitalization and treatment in a suitable facility for a reasonable time up to 120 days to determine whether there is a substantial probability that in the foreseeable future, Defendant will attain the capacity to permit the trial to proceed.

IT IS SO ORDERED.

Date: October 28, 2024

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT